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551 FIFTH AVENUE

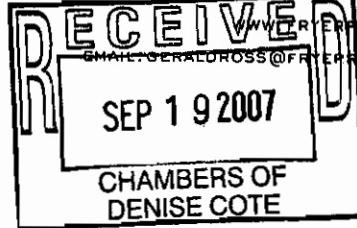
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Hon. Denise L. Cote  
Southern District of New York  
United States District Court  
500 Pearl Street  
New York, NY 10007

MEMO ENDORSED

Re:Lopes v. Mellon Investor Services et al.; 07 CV 5928 (DLC), ECF Case

Dear Judge Cote,

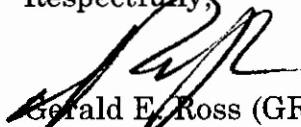
My firm represents the plaintiff in the above captioned action. My client's claim arises out of the unauthorized sale of his portfolio of defendant JPMorgan Chase stock held by defendant Mellon Investor Services and delivery of the \$95,000 check for the proceeds to an imposter who then negotiated the check to defendant Wachovia Bank. All of those parties have waived service and appeared in the action; their answers are due by September 25. Although one of the imposters is named, her whereabouts are unknown and none of the others have been identified.

I have received and served on counsel for all known defendants a copy of your Honor's initial scheduling order and the Court's individual practices. Proof of service will be filed electronically with the clerk of the court.

I write to request an adjournment of the conference from October 5 to October 19 or such other later date as is convenient to the Court. The reason for the request is that I am undergoing surgery this Friday and will likely be out of the office for two weeks, taking us right up to the current conference date.

None of the defendants have yet made their initial disclosures. Plaintiff's initial disclosure was made on July 31. I have asked counsel to make their disclosure before October 5 and suggested that we have a Rule 26(f) conference shortly thereafter, so that when we confer with Your Honor, we can intelligently address scheduling issues and perhaps even determine whether there is a basis for resolving this matter.

Respectfully,

  
Gerald E. Ross (GR0534)

*conference as adjourned  
to October 19 at 1:30 p.m.  
Sgt. 24, 2007*

*Opinion file  
Sept. 24, 2007*